

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TEXT OF MODIFIED REGULATIONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 3, SECTIONS 1212.5, 1218,
ARTICLE 7.5, SECTION 1239 AND ARTICLE 8, SECTION 1264,
AND ADD ARTICLE 6, SECTIONS 1231.3

MODIFIED LIMOUSINE BUS INSPECTION CONSISTENCY – WITH FEES (CHP-R-2017-14)

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Additions:Times New Roman 12 point font with single underline.
Deletions:~~Times New Roman 12 point font with strikethrough~~
Modified Additions:Times New Roman 12 point font with double underline.
Modified Deletions:~~Times New Roman 12 point font with strikethrough~~

Title 13, California Code of Regulations, Chapter 6.5. Motor Carrier Safety

Article 3. General Driving Requirements

§ 1212.5. Maximum Driving and On-Duty Time.

(a) Maximum driving time. Except as provided in Sections 1212(b)(1), 1212(f), 1212(i), 1212(j), 1212(k), and 1212(l), no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive:

(1) Intrastate bus drivers, modified limousine drivers, and drivers of tank vehicles with a capacity of more than 500 gallons transporting flammable liquid:

(A) More than ten hours following eight consecutive hours off duty for bus and modified limousine drivers and ten consecutive hours off duty for truck drivers; or

(B) For any period after having been on duty 15 hours following eight consecutive hours off duty for bus and modified limousine drivers and after the end of the 16th hour after coming on duty following ten consecutive hours off duty for truck drivers.

(2) Intrastate Truck Drivers:

(A) More than 12 cumulative hours following ten consecutive hours off duty; or

(B) For any period after the end of the 16th hour after coming on duty following ten consecutive hours off duty.

(3) School Bus, School Pupil Activity Bus, Youth Bus and Farm Labor Vehicle Drivers:

(A) More than ten hours within a work period; or

(B) After the end of the 16th hour after coming on duty following eight consecutive hours off duty.

(4) No motor carrier shall permit or require a driver, regardless of the number of motor carriers using the driver's services, to drive nor shall any driver drive, except as provided in Section 1212(k), for any period after having been on duty for 80 hours in any consecutive eight days.

(5) For truck drivers listed in subsections (1) and (2), any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

(b) Interstate driver. Motor carriers and drivers engaged in interstate commerce and the driver of a vehicle transporting hazardous substances or hazardous waste, as those terms are defined in Section 171.8 of Title 49, Code of Federal Regulations, shall comply with the federal driver hours-of-service regulations contained in Title 49, Code of Federal Regulations, Part 395, as those regulations now exist or are hereafter amended.

(1) Modified limousine drivers. Modified limousine drivers engaged in interstate transportation shall comply with driver hours-of-service limits contained in Title 49, Code of Federal Regulations, Part 395.5, applicable to drivers of passenger-carrying vehicles, as published August 25, 2005, which are hereby incorporated by this reference.

(c) Referenced regulations. Copies of Title 49, Code of Federal Regulations, can be obtained from:

SUPERINTENDENT OF DOCUMENTS
UNITED STATES GOVERNMENT PRINTING OFFICE
PO BOX 371954
PITTSBURG, PA 15250-7954
(202) 512-1800

Internet purchases: http://www.access.gpo.gov/su_docs/sale.html

Note: Authority cited: Sections 31401, 34500.4, 34501, 34501.5, and 34508, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 31401, 34003, 34500.4, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

§1218. Fueling Restrictions.

When a vehicle is being refueled, the nozzle of the fuel hose shall be in contact with the intake of the fuel tank throughout the entire time of refueling. No driver or motor carrier shall permit a vehicle to be fueled while the engine is running, a radio on the vehicle is transmitting, the vehicle is close to any open flame or ignition source (including persons who are smoking), or passengers are aboard any bus or modified limousine except one fueled with diesel fuel in an open area or in a structure open on both the entrance and exit ends.

Note: Authority cited: Sections 34500.4 and 34501, Vehicle Code. Reference: Sections 34500, 34500.4 and 34501, Vehicle Code.

Article 6. Carrier Requirements

§ 1231.3. Terminal Inspection Program.

(a) Terminal Inspection. Each terminal from which any modified limousine is operated shall be inspected for compliance with vehicle equipment and maintenance requirements, and driver credentialing and drivers' hours-of-service requirements at least one time every 13 months, by an authorized employee of the Department.

(b) Retention of Terminal Inspection Report. The terminal inspection report, issued by the Department, shall be retained by the motor carrier for no less than 3 years from the date of the inspection.

(1) Terminal inspection reports issued by the Department shall be presented immediately upon request to any person using the services of the motor carrier, any interested party, or any authorized representative of the Department.

(c) Fee. A charter-party carrier or a passenger stage corporation who at any time operates a modified limousine shall submit an annual modified limousine terminal inspection fee which shall be in addition to any other required fee. The annual fee for each motor carrier shall be as follows:

<u>Carrier Modified Limousine Fleet Size</u>	<u>Inspection Fee</u>
<u>1</u>	<u>\$130</u>
<u>2-4</u>	<u>\$152</u>
<u>5-10</u>	<u>\$252</u>
<u>11-20</u>	<u>\$573</u>
<u>21-35</u>	<u>\$743</u>
<u>36-50</u>	<u>\$961</u>
<u>51-100</u>	<u>\$1,112</u>
<u>101-200</u>	<u>\$1,463</u>
<u>201-500</u>	<u>\$1,512</u>
<u>More than 500</u>	<u>\$1,600</u>

(1) The annual modified limousine terminal inspection fee shall be paid to the California Public Utilities Commission as follows:

(A) In conjunction with the application for an initial permit, certificate, or operating authority, and

(B) With the annual equipment list as required by Public Utilities Code Section 1042 or 5384.2.

(d) All modified limousine terminal inspection fees are non-refundable.

(e) Inspection Sample. An inspection of a modified limousine terminal shall include a representative sample of the carrier's modified limousine fleet operated from the terminal. Representative sample means the following:

<u>Fleet Size</u>	<u>Representative Sample</u>
<u>1 or 2</u>	<u>All</u>
<u>3 to 8</u>	<u>3</u>
<u>9 to 15</u>	<u>4</u>
<u>16 to 25</u>	<u>6</u>
<u>26 to 50</u>	<u>9</u>
<u>51 to 90</u>	<u>14</u>
<u>91 or more</u>	<u>20</u>

Note: Authority cited: Sections 34500.4 and 34501, Vehicle Code. Reference: Sections 34500, 34500.4 and 34501, Vehicle Code.

Article 7.5. Commercial Vehicle Out-of-Service Criteria

§ 1239. Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria.

(a) Applicability. This article shall apply to those vehicles described in Section 34500 of the California Vehicle Code (CVC).

(1) Modified Limousines. Items specifically applicable to buses shall also be applicable to modified limousines.

(b) Incorporation by Reference. This article incorporates by reference portions of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria including Part I (with the exception of the Skill Performance Evaluation Certificate), Part II, Part III, Part IV, and Appendix. All references to the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria in this article are those criteria published on April 1, 2016.

(c) Availability of Referenced Criteria. Copies of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria can be obtained from:

COMMERCIAL VEHICLE SAFETY ALLIANCE

6303 IVY LANE SUITE 310

GREENBELT, MD 20070

PHONE: 301-830-6143 FAX: 301-830-6144

Note: Authority cited: Sections 2402, 2410, 31401, 34500.4, and 34501, Vehicle Code. Reference: Sections 260, 322, 2402, 2410, 2804, 12500, 12502, 12515(b), 14603, 15210, 15250, 15275, 15278, 23152, 24002, 24004, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34500.4, 34501, 34506, 34510 and 34520, Vehicle Code; Section 39831, Education Code.

Article 8. General Equipment Requirements

§ 1264. Passenger Compartments.

(a) Signaling Device. All farm labor vehicles and modified limousines in which the passenger compartment is separated from the driver's compartment and all trailer-buses shall be equipped with a buzzer or other signaling device that can be actuated by the passengers to gain the attention of the driver. A horn, as required by Vehicle Code Section 27000, shall not be used to comply with this requirement.

(b) Vehicle Windows. Every farm labor vehicle shall have at least one window at each side near the front of the passenger compartment. Each window shall not be less than 10 in. high and 16 in. wide. This requirement may be met by windows complying with Section 1269(b) of this title.

(c) Broken Glass. All cracked or broken glass having sharp or jagged edges, in windows or elsewhere on a farm labor vehicle, and modified limousines shall be removed.

Note: Authority ~~and reference~~ cited: Sections 31401, 34500.4, 34501 and 34501.5, Vehicle Code. Reference: Sections 31401, 34500.4, 34501 and 34501.5, Vehicle Code.